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LAND
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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

MINUTES
OAHU ISLAND BURIAL COUNCIL MEETING

DATE: WEDNESDAY, OCTOBER 11, 2006
TIME: 10:00 A.M.
PLACE: DEPARTMENT OF LAND & NATURAL RESOURCES
1151 PUNCHBOWL STREET, ROOM 132
HONOLULU, HAWAII 96813

ATTENDANCE:

Members: Jace McQuivey, Chair
Kalei Kini
Alice Greenwood
Linda Kaleo Paik
Cy Bridges
Mark Kawika McKeague, Vice-Chair
Kehau Abad
Kehaulani Kruse
Andrew Keliikoa

Absent: Analu Josephides (Excused)
Aaron Mahi (Excused)
Charles "Chuck" Ehrhorn (Excused)

Staff: Melanie Chinen, SHPD Administrator
Vince Kanemoto, Deputy Attorney General
Susan Yanos, Secretary

Guests: Laura K. K. Kilaulani
KeAloha Kuhea
Carolyn Norman
John Behling, General Growth Properties
Dwight Yoshimura, General Growth Properties
Kaimi Keohokalole
Hal Hammatt, CSH
Doug Borthwick, CSH
Ka'onohi Kaleikini
Jeff Julian, Albert Kobayashi
Coochie Cayan, CommPac
Adrian K. Keohokalole
Mike Okamoto, R. M. Towill Corp.
Jan Yokota, General Growth Properties
Sharon Thom, General Growth Properties
Emalia Keohokalole
David Shideler, CSH
Joseph Kennedy, ACP
Dawn Chang, Kuiwalu
Thomas Shirai
Pua Aiu, CommPac

I. CALL TO ORDER & ROLL CALL

Meeting was called to order by Chair Jace McQuivey at 10:05 am. The majority of the members were present and quorum was established. In lieu of a pule, council member Kaleo Paik read two poems to the council.

II. INTRODUCTION OF COUNCIL MEMBERS AND SHPD STAFF

As council members introduced themselves, SHPD staff recorded those that were present. SHPD Administrator Melanie Chinen informed the council that Analu Josephides is sick and Aaron Mahi had a family emergency and both cannot attend today's meeting. SHPD staff also introduced themselves.

III. OPENING REMARKS

Chair McQuivey reminded the public that these meetings are recorded to document what the council has done and why. McQuivey asked the public to sign in and to introduce themselves when they come forward to testify before the council. He asked that speakers speak one at a time so that testimony on the recording is understandable. McQuivey asked the public to address their questions and remarks to the council. He requested that everyone be treated with respect and civility. McQuivey also reminded the public that the council has established a four-minute testimony policy; however, this policy does not apply to participants who are on the agenda.

McQuivey reminded the council members to notify the SHPD staff immediately if they cannot attend the meetings. This is to make sure that quorum will be established for each of the meetings and to make sure that their absence is noted as excused.

McQuivey also asked the council to submit their items for the agenda to Piilani Chang three weeks before the meeting to allow sufficient time for Chang to meet posting requirements, make the appropriate copies, organize the materials, and mail them out to the council members.

IV. APPROVAL OF SEPTEMBER 13, 2006 MEETING MINUTES

Correction by Kehau Abad: Delete okina in word "iwi" throughout the document.

Correction by Abad: Page 8, paragraph 5, change "She understands that no one understands . . ." to "She understands that no one questions . . ."

Correction by Kawika McKeague: Page 10, change "VOTE: 9 Yes. 1 No" to "VOTE: 8 Yes. 2 No (Abad and McKeague)"

Correction by McQuivey: Page 4, paragraph 6, change "Cayan said that the council is facing is trying . . ." to "Cayan said what the council is facing is trying . . ."

Correction by McQuivey: Page 9, paragraph 3, change ". . . why he would is voting . . ." to ". . .

why he would be voting . . .”

Correction by Kehau Kruse: Page 9, paragraph 3, change “His first priority has always been to preserve in place or at . . .” to “His first priority has always been to preserve in place or as . . .”

Correction by Kruse: Page 8, paragraph 6, change “. . . he doesn’t reverence in leaving them in place.” to “. . . he doesn’t see reverence in leaving them in place.”

Correction by Kruse, Page 8, paragraph 6, change “. . . but it could be mean that it would . . .” to “. . . but it could mean that it would . . .”

Correction by Kruse, Page 8, paragraph 7, change “She said that the council should the mana‘o of the ‘ohana . . .” to “She said that the council should listen to the mana‘o of the ‘ohana . . .”

Chinen stated that she had seen the minutes and had some concerns about comments that were attributed to Deputy Attorney General Vincent Kanemoto and wanted an opportunity to correct them. Since Kanemoto had not reviewed the minutes, McQuivey deferred this issue and final approval of the minutes to the end of the meeting to allow Kanemoto to do so.

McQuivey asked Kanemoto how the council should go about making changes and approving the minutes from the executive session. Kanemoto suggested that the council go to executive session to approve those minutes, because if the council approves the minutes in the general meeting, it might be construed as a waiver of confidentiality. McQuivey also deferred the approval of the executive session minutes to the end of the meeting.

V. ANNOUNCEMENTS

A. Informational presentation by Archaeological Consultants of the Pacific, Inc. of a property located in the Hau‘ula Ahupua‘a, Ko‘olauloa District, Island of Oahu [TMK: (1) 5-4-01:044]

Joseph Kennedy of Archaeological Consultants of the Pacific briefed the council on this project. Kennedy began by informing the council that the 1880 Monsarrat map shows St. Samuel’s Chapel on this property and St. Samuel’s Chapel had a cemetery. However, by 1950, the chapel did not appear on any of the contemporary maps. Between the times the chapel was deconstructed and the first archaeological report was completed, there was an episode of bulldozing. There was a cemetery that was associated to St. Samuel’s Chapel. Kennedy stated that he didn’t think that anyone was certain about the number of individuals that were in the cemetery or even where the cemetery and church was on the property. Kruse asked Kennedy where the chapel was on the map that he distributed to the council. Kennedy believes that the chapel was on the right hand side, because that is where the archaeological evidence suggests it is. However, Kennedy stated that when the bulldozing occurred, it is possible that someone pushed the remnants of the chapel to that area. Kennedy said that the chapel is now gone and the cemetery has been impacted long before any formal development began. Kennedy added that the nature of the disturbance was done with a piece of heavy equipment and the headstones were removed, but he believes that the iwi are still there.

Kennedy continued to say that in 1996, Paul Rosendahl did the first archaeological investigation

of the property. Kennedy stated that Rosendahl did not conduct a full inventory-level survey, and a formal report was never submitted to the Department. Kennedy added that Rosendahl's crew chief was professional enough to deposit field notes for some of the work that they did. Kennedy stated that Rosendahl's crew scraped an area of the property (indicated by a blue circle on the map) with a front-end loader, manually swept the area with brooms, and found five grave pits clearly defined within the area. Kennedy stated that no one has seen any human osteological material, but in his professional opinion, he would support the idea. Kennedy added that the blue circle on the map represents a buffer zone of 3 meters (approximately 10 feet) from the edge of the five burials. Kennedy doesn't know how many individuals were in the original burial population, but he believes that there were probably more than five. He also stated that he does not know if anyone would know for certain.

Kennedy stated that their burial treatment plan calls for preservation in place for the five known burials. Kennedy added that they completed the inventory survey which Rosendahl started. Kennedy's crew tested the area manually. Although they did not discover additional iwi, Kennedy said that that does not mean there are no other iwi there. Subsequently, they returned to the project and did data recovery work. It was then that they became suspicious of the original map that placed the chapel and raised some questions about whether it was farther toward the Kahuku boundary of the property or whether the remnants were pushed there. Kennedy also stated that it is very difficult to say where the cemetery was in relation to the chapel.

Kennedy directed the council's attention to the green area on the map of the property. He stated that this is the landowner's only geographic access and egress point. In Kennedy's opinion, this access is very close to the five iwi and their buffer zone. What Kennedy is proposing in the burial treatment plan is to petition the council for further non-intrusive blading and sweeping to see if there are more grave pits within the access and egress zone. Kennedy reiterated that this was the only option for this access/egress because the landowner is "land-locked everywhere else". Kennedy also pointed out that during their data recovery work and from witnessing the rains this past March, they discovered that the 'auwai runs right through that area. He stated that the awai and the soggy conditions caused by the rains are inconsistent with variance. Kennedy is hopeful that they will be allowed to execute the petition in the burial treatment plan. He has some founded hope that they will come up with negative results. Again, Kennedy stated that they think that there are more than five individuals, but they don't know where they are located. The other issue they are faced with is the question of the association of the grave pits – are they associated with St. Samuel's or are they earlier historic burials?

McQuivey asked Kennedy what this property is being proposed for. Kennedy stated that he has heard that the landowner plans to build a couple of houses on the property.

Paik asked what the square footage of the property is; Kennedy guessed that the property is a quarter of an acre.

Kruse asked about numerous amounts of imu that are identified on the map. Kennedy stated that when Rosendahl worked on the property, he identified a lot of features as "imu". Kennedy is not convinced that they are all imu, but stated the council should ask Rosendahl about that. But Kennedy added that in the course of Rosendahl's testing, there were a number of concave earthen structures that Rosendahl identified as imu. Kennedy explained that typically they don't see that many clustered – usually there is one big hole for the imu which gets used over and over.

Paik asked if the houses would be built over the 'auwai. Kennedy said no and showed the council where, on the map, the 'auwai actually runs.

Greenwood asked for clarification of where the property is located. Kennedy stated that the cross street was Kukuna Road. Greenwood remembers a little church in Hau'ula but does not remember a graveyard. Kennedy reiterated that he does not know when the alterations to the property had occurred; he knows that there was formal testimony that there was a graveyard with headstones, but now the headstones are no longer there.

Cy Bridges shared some background information on the property. He stated that his great-grandmother owned the property. In 1953, she gave the land to her brother-in-law who hired an attorney to help them with the property. The attorney had the family sign the property to him to be the administrator. Subsequently, the attorney sold the property to cover his administrative fees. Bridges continued by saying the new owner bulldozed the property including the headstones. After the bulldozing, the owner returned to the property and saw that his bulldozer was turned upside down and he felt something choking him. After that incident, the owner did not want anything to do with the property and sold it. The property has been sold and re-sold over the years until a Japanese firm wanted to build a development there.

Bridges went on to say that the St. Samuel's Chapel was built around 1879-80 as an LDS Hawaiian chapel and gave a brief history of the church. He continued by saying that his grandmother recalled 25 of the many other graves. Bridges stated that his grandmother's four brothers, who all died in a matter of a week, are buried in the graveyard on the property. Bridges believes that four of the five burials on this property are his grandmother's four brothers.

Bridges stated that he was told about a method to find the graves by scraping the land to see the outline. At that time, he supported it because he wanted to know where the actual graves are. Bridges stated that a crew went to the property with their equipment, and he, former SHPD staff members Kai'ana Markell and Kana'i Kapeliela, three of Bridges' aunts, and a cousin were present. Bridges stated that after 15 minutes of scraping, iwi was exposed, and he asked the crew to stop. He stated that after discovering the iwi, he did not care to know where the graves are – he just wanted them to be left alone. Bridges realizes that one day the iwi will come out, but he hopes that does not happen in his lifetime.

B. Informational update by Ku'iwalu of the Fifield Project located in the Waikiki Ahupua'a, Kona District, Island of Oahu [TMK: (1) 2-6-13:1, 3, 4, 7, 8, 9, 11, 12]

Dawn Chang updated the council on the Fifield project, which was the former site of The Wave on approximately 2.3 acres of land where they are proposing to develop a condominium. Chang stated that Ku'iwalu hired Cultural Surveys Hawaii to do a lot of archaeological work. In 2004, there was an archaeological literature review and field check. In 2006, Cultural Surveys did a cultural impact assessment. Before any work was done, they consulted with SHPD and were required to do an archaeological inventory survey plan, which detailed how the survey was going to be done. The plan was approved in July, and the archaeological inventory survey began in September.

There is a variation of 4 to 10 trenches per acre that you can do; Ku'iwalu chose to do 10

trenches per acre and SHPD approved 25 trenches. On the first day of archaeological inventory survey, there was some concern because during a previous City project when they installed a traffic light, a burial was discovered on the corner of Kalakaua and Ena Road. Chang informed the council that there were several trenches dug in that corner (indicated by the "X" on map that she distributed). In one of the trenches, they did find a human remain. Chang stated their methodology was to use a backhoe and as soon as they hit sand, they were to use manual shoveling. When they encountered the top of the skull, no further work was done, and the remains stayed in place.

At that time, SHPD was contacted as well as OIBC Chair and the Kona representative. Kui`walu also contacted the families that were recognized in the Waikiki area to inform them that remains had been found.

Chang informed the council that trenches continued. When the burial was found, SHPD recommended that four more trenches around that area. They did the additional trenches and no other remains were found. All the trenches have been backfilled, including the one where the burial was found. Based upon the completion of the inventory survey, Chang stated that SHPD Archaeologist, Adam Johnson, recommended that they do one or two more trenches in the corner on the map marked with an "X" where there are some trees. About two weeks ago, they did one additional trench and found a remain. All work stopped again and Johnson requested an additional four more trenches in the area and two more trenches outside the area. Chang stated that they hope to begin the additional trenches in the next two weeks. Chang added that as soon as the latter remains were found, similar contacts were made to the OIBC, OHA, and the families.

Chang informed the council that they would be recommending preservation in place for one of the burials. They will wait for a formal recommendation until they have completed the previously identified process – they will do the publication, consult with family members, and come before the council with a burial treatment plan.

VI. COUNCIL ACTIONS

A. Burial Treatment Plan for the Makaha Bridges Project

Makaha Ahupua'a, Wai'anae District, Island of Oahu

[TMK: (1) 8-4-001:012; 8-4-002:047 & 045; 8-4-018:014, 122, 123; 8-4-008:018-020]

David Shideler of Cultural Surveys Hawaii and Mike Okamoto of R.M. Towill addressed the council on the Burial Treatment Plan for this project, which was presented to the council at last month's meeting. Shideler began by stating that the State Department of Transportation is looking at the possible demolition and replacement of two Makaha bridges, Makaha Bridge 3 (north of Kili Drive) and Makaha Bridge 3A (south of Kili Drive).

Shideler summarized the project as it was presented to the council last month, and reminded the council that a human finger bone and rib fragment was found during inventory survey. Shideler stated that the burial is located within the footprint of the area proposed for the channel widening and drainage improvements and preserving in place for the burial would be impossible under the current design. Shideler added that the iwi were previously disturbed by past land use.

Shideler concluded by stating that the council deferred action on this issue at last month's meeting to allow Mr. Alike Silva an opportunity to provide information to SHPD. McQuivey pointed out that Mr. Silva sent SHPD a letter (copies of which was sent the council members) and asked the public if Mr. Silva or his representative was present today. Since no one responded on Mr. Silva's behalf, McQuivey asked the council to review his letter and provide comments if they had any.

Paik said that she sees a request to be recognized as a descendent but does not see a response. Chinen stated that Mr. Silva has consistently represented to the Department that he has recognition to these burials, but he has yet to fill out a formal application. Chinen added that Mr. Silva has a second request to register a family burial in the area, but that is a separate issue from this agenda item. McQuivey asked Chinen if Mr. Silva was informed of his responsibility to submit the appropriate documents to be recognized on this issue and if she knew if he was invited to attend this meeting. Chinen stated that she would need to check with Piilani Chang. However, McQuivey stated that he understood from his conversation with Chang that Mr. Silva was invited to the meeting and for whatever reason he declined to attend. McQuivey stated that since Mr. Silva did not attend and not knowing anymore information that this is what the council has to work with. Greenwood commented that, in her opinion, Mr. Silva's letter is binding the council in certain areas especially the part in Mr. Silva's letter where he states "They should be required to consult with us concerning cultural monitoring for our family sites." Greenwood stated that the council should address this matter, because she didn't think that cultural monitoring is a State requirement. Chinen confirmed that cultural monitoring is not a State requirement. She stated that SHPD had informed Mr. Silva through numerous communications that there is no state rule that requires cultural monitoring. It is the Department's position not to even recommend cultural monitoring.

Kini asked what would happen if the council decided to keep the remains in place. Mike Okamoto stated that they would have to look at whether they could redesign the project. He stated that it is in direct conflict with the channel widening and possibly the embuttment structure. Greenwood stated that there is a potential for water coming in the area where the iwi was found and she felt that the iwi is in danger of that possibility.

Paik asked if the widening of the stream was in anticipation of potential water coming down. She asked how old the bridge was and Okamoto said that it was built in 1937. She asked why the stream needed to be widened; Okamoto stated that widening would accommodate a hundred-year flood. McKeague asked if the project was in a flood zone and Okamoto said it was in Flood Zone AE. Greenwood added that if nothing was done and a new bridge was not built, one day the road that goes through the area will be washed away. She stated that slowly Makaha Beach is coming in and the heavy rains affect the road.

KeAloha Kuhea stated that the previous administration, which was fired, didn't believe his claim when his family submitted a claim for Waianae and Makaha (his family claimed Paoa as his ohana). He stated that for some reason, Kanai Kapeliela, Nathan Napoka, and Kai'ana Markell, deferred his claim in Waianae/Makaha. He stated that the present administration reviewed his genealogy with Analu Josephides and Ms. Lucy Meyers. Kuhea felt that this matter should be deferred until his family can resubmit their information to the new staff and receive cultural recognition. He felt that because Mr. Kapeliela was a racist on his family's claim, he is asking the council to defer this so they can talk to Mr. Silva. Kuhea said the council is overrunning this matter because he said there are no families involved. He believes that the council is dealing

with the developer and Cultural Surveys. He asked where are the `ohana to malama the iwi kupuna.

McQuivey asked Kuhea to confirm that he does not have a claim on this project. Kuhea stated that he had a claim in Waianae/Makaha but not to this particular project. McQuivey asked Kuhea if he had seen the notice that went out for this particular project; Kuhea stated that he had not. McQuivey informed Kuhea that there was a notice asking families to come forward. McQuivey asked Kuhea if he knows what Mr. Silva and his family's mana`o is on this issue. Kuhea indicated that he did not.

McQuivey asked Kuhea why he wants the council to defer action on this item, other than to be able to give testimony as a possible claimant. Kuhea said that if they do have a legitimate claim, he would definitely want to be heard. Kuhea continued to air his frustration about former SHPD employees continuously deferring and denying his claim. He stated that from 2004, the council locked his family down. McQuivey asked if Kuhea is asking for a deferral on this issue so his family can have his claim heard and possibly offer testimony. McQuivey asked Kuhea what testimony he would offer regardless if Kuhea were a claimant or not. Kuhea said he would show which of his `ohana lived in that district. McQuivey asked Kuhea if he wishes to leave the iwi in place or relocate. Kuhea indicated that should his family be recognized as cultural descendents with the Silvas, he would side with what Mr. Silva decides.

McQuivey asked Shideler to state to the council the recommendation for the iwi. Shideler informed the council of Cultural Surveys' efforts to contact possible lineal and cultural descendents. He said that there was a companion cultural impact assessment that they maintain as a record that they made a good-faith effort to contact any descendents to this parcel. Schiedler further stated that an advertisement was placed in the *The Honolulu Advertiser* in May 2006 and in *Ka Wai Ola* in its June 2006 issue. They are requesting to relocate the iwi to allow the bridge project to move forward. Scheidler continued to say that the proposed relocation has taken into consideration the expressed wishes that the relocation be buried in close proximity to its current location.

Greenwood asked Chinen when she became SHPD Administrator. Chinen stated that she became the administrator in 2004. Greenwood then asked Chinen if she had received the May 25, 2005 memo that Mr. Silva referenced in his September 18, 2006 letter. Chinen admitted that she was not sure. She stated that she is aware that Mr. Silva has made various claims to having burials in the area and added that SHPD did make an attempt to have him document them, but he did not like the archaeologist that she sent out to document what Mr. Silva identified as being burials and SHPD never followed up after that. Greenwood asked Chinen if Kapeliela was still employed with SHPD at the time; Chinen said that he was. Chinen stated for the record that Nathan Napoka and Kana`i Kapeliela were not fired from the division – Mr. Napoka actually retired from the State and Mr. Kapeliela is acting as branch chief in DHHL.

Paik asked if Mr. Silva's family would, at least, be recognized as cultural descendents for this area. Chinen stated that they would have to apply on a case by case by burials and that has not yet happened. Chinen added that Mr. Silva and his family has made it known to SHPD that they would like this burial to be preserved in place, and they would like the bridge to be redesigned.

Abad wanted to note for the record that she does not believe that there is anything that would prevent the council from hearing the mana`o of any interested party who might want to come

forward and share their concerns or suggestions. She said that the council is not limited to hearing the concerns of those who are officially recognized as cultural or lineal descendants. Abad said that if there is specific mana'o as to why these iwi need to be preserved in place or if there is evidence that suggests that this is a primary burial rather than a secondary burial, the council needs to hear them before they make a decision. She stated that what the council has before them is a record of these two fragments being in a secondary or even tertiary location and further evidence that they will likely be washed away regardless of the council's decision. She said that if there are other compelling facts that the council needs to hear, now is the time. Abad stated that the council does not have the luxury to defer the decision a second time because the council is bound by a 45-day limit. She said that if the council is to make a decision, they need to do that today. Abad concluded by saying that if there are other information that will help the council get a better sense of what to do, they need to hear it now.

McQuivey asked Kuhea if he had any thoughts after having heard Mr. Shideler's recommendation to relocate the iwi. Kuhea said he would choose to move the iwi kupuna to safety.

Paik commented that she comes from a place where the threat of a hundred-year flood is ever present. Paik stated for the record that for the safety of the kupuna, she sees no damage or any harm for them to be moved. She stated that she has to go with what is culturally correct because she felt that is what is missing here. Paik said that the iwi had been there a long, long time and they had not been washed away; she feels that she has to give them the opportunity to go on their own.

Greenwood explained that this project is so important because there is a peninsula that would be cut off if the hundred-year flood ever comes.

Keliikoa stated that no one can predict when and where a hundred-year flood will happen. He said that he had responded as an emergency responder to what was known as a hundred-year flood, which occurred in the Ewa area. Keliikoa also stated that he had been in Makaha Valley when it had literally poured and was unable to get down from the valley. He could not believe the amount of rain that comes from Makaha Valley. He added that he understands how people feel about either leaving in place or relocating, but he felt that there would be greater damage if these iwi were left in place.

Abad pointed out that another factor to take into consideration is if there is a desire to relocate the bridge, she believes that the relocation site might disturb other burials.

Motion was made and seconded to relocate the iwi that was found in the Makaha Bridges project. (Keliikoa/Greenwood)

VOTE: 8 Yes. 1 No (Paik). Motion carries.

Council breaks at 11:27 am. Meeting resumed at 11:42 am.

**B. Request for Reconsideration of September 13, 2006 Oahu Island Burial Council
Determination for the recognition of cultural descendants (Van Horn Diamond, Emalia**

Keohokalole, Dennis Keohokalole, Adrian Keohokalole, and Joseph Keohokalole) to the burials located at the Ward Village Shops Project [TMK: (1) 2-3-5:013-017, 022, 023]

Chinen directed the council's attention to her memo to the council dated October 11, 2006. She stated that at last month's meeting there was a lot of discussion and confusion as to how the Department makes its recommendations for cultural descendency to this council and this council was informed that recommendations are made based on moku as well as ahupua'a. She stated that is incorrect and takes full responsibility for SHPD staff not properly communicating that the Department traditionally based recommendations on ahupua'a. She informed the council that the staff reviewed its recommendations for the past year on all the islands and stated that was consistently applied except for last month's OIBC meeting where it was opened to moku instead of ahupua'a. Chinen continued that the SHPD staff notified the individuals who had been affected by that recommendation. Chinen stated the staff recommended several individuals for cultural descendency; however some of them were not affected because based on the work the staff had done, they had genealogically connected them to the ahupua'a. Chinen stated that unfortunately the recommendation did affect Van Horn Diamond and the four individuals from the Keohokalole family. The staff reviewed the families' documents and tried to connect them to the ahupua'a. Chinen informed the council that Emalia Keohokalole subsequently submitted information on land commission awards, which did tie her family genealogically to the Honolulu ahupua'a.

Chinen stated that SHPD staff Chang was unsuccessful in contacting Van Horn Diamond to inform him of this matter. However, Mr. Diamond did stop by the boardroom today to deliver a letter to the council and Chinen was able to speak to him briefly. She informed him that when the council makes determination on how to proceed, she will contact him if there is anything that would require further work on his or SHPD's part and that the staff would work with him to reconcile the matter.

Chinen stated that the staff is recommending two things to the council:

1. Council reconsider its decision based on Department's flawed recommendation on the descendency claim.
2. Council uphold its decision recognizing the Keohokaloles as cultural descendants based on the new information from the Keohokalole family.

Chinen also asked the council to defer their decision to recognize Mr. Diamond as a descendent until SHPD has had an opportunity to work with him to tie him to the ahupua'a. Chinen explained that Mr. Diamond's application form does not contain information that ties him to the ahupua'a. Chinen further stated that Mr. Diamond is tied to the Waikiki area of the Kona moku of which Honolulu is a portion, but his application does not have information that ties him to the Honolulu ahupua'a. Chinen said that she spoke to Mr. Diamond this morning and is confident that he will be able to provide additional information.

Chinen stated that part of the confusion last month was that the council was informed that the Department's interpretation of the word "district" to mean "moku"; however, Chinen stated that the council was misinformed. She would like the council to know what the Department's interpretation is and that the Department needs to be consistent in how recommendations are made. She apologized to the council and the families that were affected by this confusion. She

informed the council that the Department instituted controls for future recommendations going before the council that it should be clear what ahupua'a an applicant is claiming their genealogy from, and the name of the ahupua'a in which the burials are located. Chinen also stated that the Department is going as far as to tell staff that they should be identifying burials by the SHIP numbers that are assigned so that it is very clear to what burial the descendency claim is to.

Chinen added that this council, as Kanemoto stated in the last meeting, has the right to have its own interpretation of the rule. So if the council's interpretation is "moku" then their decision as they made it should stand. However, if the council's interpretation is limited to "ahupua'a", then she would ask the council to reconsider.

Kanemoto clarified the Department's request for the council to readdress the matter of recognition of Van Horn Diamond, Emalia Keohokalole, Dennis Keohokalole, Adrian Keohokalole, and Joseph Keohokalole based on misinformation that was provided to council at the last meeting and that the Department is seeking rescission of the council's recognition of the individuals listed above. Kanemoto further clarified that the Department is asking the council to reaffirm their recognition of the Keohokalole family as cultural descendants based on additional information provided to the Department by the family but to defer Van Diamond's claim.

McQuivey stated the Department's request by simplifying the process in three steps: 1) rescind; 2) restate; and 3) defer.

Coochie Cayan suggested that rather than rescinding the recognition of the Keohokalole family, the council instead amend the motion that was made last month to include the phrase, "based on new information provided by the Division . . ."

McQuivey said that was a good suggestion and said that maybe the council could restate their understanding of their decision based on the new information. Kanemoto stated that the council could reaffirm their decision based on testimony from the last meeting incorporated with the new information and recommendation presented by SHPD.

Paik asked if the council's interpretation of "district" will mean "ahupua'a" be stated in the record. McQuivey said no because that is not the question at hand. Paik felt that the council needed to clarify its interpretation because that is how it came to this juncture. She stated that the council's interpretation of "district" meant "moku" and therefore it needs to be clarified – that's why there's a reconsideration. And that is why she felt it needed to be amended to say that is the council's interpretation.

Kanemoto stated that the council can discuss the issue and all the contending viewpoints and then the council can vote. McQuivey stated that he agreed that the issue of the interpretation of the terms play an important part of the council's decision, however, he felt the immediate decision to be made was on the cultural recognition status of the individuals. McQuivey stated that the council could then address the interpretation issue.

Abad stated that regardless of how the council proceeds from here, she stated that it might be important for the council to possibly support changes in the rules to increase the clarity of a descendency claim. She suggested the process could be improved perhaps by developing another category of individuals who can be recognized. Abad said that maybe these individuals could be called "cultural caretakers" who cannot show descendency but are willing to take on the

kuleana. McQuivey said that he supported Abad's idea. Kini asked Kanemoto if that would require a statutory change. Kanemoto stated that he would need to look into the matter, but he believes that it would require some kind of change whether in the statutes, in the rules, or both. Kruse asked Chinen what her interpretation of "ahupua'a" was. Chinen stated that SHPD uses a map showing of all of the islands' moku and ahupua'a which was prepared by the Hawaiian Studies Institute in 1987. This map delineates the various ahupua'a in the state of Hawaii by island. Chinen stated that the question as to what the Department uses the definition of "or district" has been interpreted to mean exactly what Abad said at the last meeting -- it is a clarification, an attempt to westernize the definition ahupua'a. Chinen added that the council may have an opinion otherwise.

McKeague asked how this issue of rescinding or reaffirming will affect the subsequent agenda item which is the reconsideration of the determination on the burial treatment plan. McKeague stated that if the council is rescinding than it could possibly be interpreted that vacates the mana'o shared by those that were articulated as recognized descendents. Kanemoto stated that the council could still take the input of the people and it doesn't have to affect the council's decision on the next item on the agenda.

Kanemoto stated that in regards to Kini's question, the council could make a motion to defer Diamond's claim. Paik stated that she doesn't see how she can defer something that hasn't been proven. Kanemoto stated that the law says that if the council does not recognize a cultural claim than it's deferred. But Paik interjected that the council has to rescind the original decision first, reinstate that family, and Diamond can resubmit. Kanemoto said that if he understood Kini's suggestion, the council wanted to defer any decision to reconsider Diamond's claim. Chinen stated that the question that might be raised is why the council is reconsidering one and not the other – is it equal treatment? Kanemoto stated that the council could do it if they want.

Cayan interjected that if the council is so torn in making this decision she suggested that the council make a motion not to reconsider this matter at all. She said it was hewa – bad protocol, culturally – to maha'oi someone else's genealogy as we try to westernize our cultural practice. She said, "Who are we to claim we are genealogists – none of us are." She said the recognition of the families were done in the best way the council did based on what each of the members knew in their na'au. She continued to say that to reconsider and even to rescind someone's genealogy based on more words is so hewa.

Paik felt she needed to address Cayan's comments since it is pointed to the council. She stated that from a cultural standpoint, the council is not doing anything – the council is doing it the western way. She felt that what the council was doing was a clarification. The council is not declining the families' acknowledgement – the council is defining the parameters on which the council is trying to use cultural descendancy. She stated that this has nothing to with the culture side – this is strictly western.

Paik continued to say that the Department is trying to make it very clear to all the councils on every island that if the council says "moku" – Kona is huge, as big as all the islands put together – then she can put in a claim for every place in Kona, every single burial. However, she does not believe that is proper. She said that families should pinpoint where their ohana is from. Paik wanted to make it clear that the council does go by ahupua'a. She further wanted to make it clear that the council is not degenealogizing the individuals at all.

McQuivey suggested that the council restate its understanding of the cultural descendancy determination with regards to the Keohokalole family based on the new information provided by the Department. McQuivey continued by further suggesting that the council defer any action on Mr. Diamond's claim until additional information can be gathered. He stated that he didn't like the idea that there is a dangling issue there but stated it will be addressed and was not too concerned about it. Kanemoto advised the council that from a legal standpoint, if the council deferred action pending additional information for Diamond, under the law, it means that the council has not recognized him. Kanemoto suggested that the council could defer reconsideration, and McQuivey stated that's what he meant to do.

Motion was made and seconded for the council to restate its award of cultural descendent claim with regards to the four individuals of the Keohokalole family listed in the recommendation by the Department based on the additional information that was provided to the council by the Department today. (McQuivey/Abad)

Kini asked what the operative word that McQuivey used in his motion so McQuivey restated his motion.

Amended motion was made and seconded to reaffirm council's position to recognize the Keohokalole family as cultural descendents based on the new information that the Department provided today and not on the information provided last month. (McQuivey/Kini)

Paik asked if the motion should include the ahupua'a of Honolulu. McQuivey stated that he didn't want to go into that issue because he was not sure that the council can decide that. As he stated previously, the question before them was to recognize the families claim. He added that if the council tries to define the term now, it could be a long discussion.

Keliikoa stated that he agreed with McQuivey's motion but suggested that the motion should include "as cultural descendents to burials located at the Ward Village Shops Project" to define the particular area for which they are being recognized.

Amended motion was made and seconded to reaffirm council's previous decision to recognize the Keohokalole family members listed in the recommendation by the Department as cultural descendents to the burials located at the Ward Village Shops Project based on additional information that was provided to the council by the Department today. (Keliikoa/Greenwood).

VOTE: All in favor. Motion carries.

Motion for council to defer the decision to reconsider Van Horn Diamond's recognition as a cultural descendent to the Ward Village Shops Project. (McQuivey/Keliikoa)

VOTE: All in favor. Motion carries.

- C. Request for Reconsideration of September 13, 2006 Oahu Island Burial Council Determination of Final Burial Treatment Plan for the Ward Village Shops Project Honolulu Ahupua'a, Kona District, Island of Oahu [TMK: (1) 2-3-5:013-017, 022, 023]**

McQuivey directed the council's attention to a letter from Paulette Kalekini to the Director of the Department of Land and Natural Resources. McQuivey asked Kanemoto if the individual applying for the reconsideration is the applicant according to the HAR 13-300-38(c). Kanemoto stated that HRS 6E-43 does not address the matter of reconsideration but "applicant" is defined in HRS 13-300-2 as a person representing a sufficient owner to a real property or a lineal descendent to request the council or the department, whichever is applicable, to determine the appropriate treatment of a burial site or human skeletal remains. Kanemoto stated that based on that definition of "applicant", Ms. Kaleikini is not an applicant. Kanemoto added that the rule gives standing for reconsideration to an applicant; however, Ms. Kaleikini is not an applicant.

McQuivey said there are remedies available but he did not want the council to interject itself where it shouldn't because it adds time, an additional step and creates more opportunities for, litigation and for additional appeal and processes. He stated that the current process allows for due process and fair hearings. McQuivey stated that if it is not appropriate, he didn't think the council wanted to interject itself in that process. Kanemoto summarized that the council cannot confer standing on the petitioner where the rule does not.

Abad asked if the Kaleikini family would have the option of filing a contested case and McQuivey stated that they would. Kanemoto added that would be under HRS 6E-43 but that statute only talks about contested case – the rule talks about reconsideration.

Kanemoto clarified that 6E-43 talks about an appeal of a council's determination, which might not necessarily mean contested case, but it doesn't talk about a reconsideration of a council's determination.

Greenwood stated that she felt that the people who were present here when the council voted but were not present at today's meeting should be included in this decision because they are also involved, and that is why she is making a motion to move on.

Paik asked Kanemoto if there is a cultural descendency status for a reconsideration. Kanemoto restated that to be an applicant for reconsideration of a council's determination as to preservation or relocation of native Hawaiian remains over 50 years old, a person needs to have an interest in the property or be a lineal descendent. Kanemoto further explained that a cultural descendent would not have standing under the rule.

McQuivey asked Paulette Kaleikini about her thoughts on this matter. Kaleikini stated that she was disappointed that she would not be able to address this matter but accepts what the rules state. McQuivey again stated that he wanted to make it clear to the council and all interested parties what the process is and what Kaleikini's opportunities are so she can focus on those opportunities if she chooses to do so. McQuivey explained that if the council creates another place to talk about their ideas, he said that that wouldn't help Kaleikini, the developer or the council by taking up additional time. McQuivey stated that by clarifying what the council's role is, hopefully that would allow everyone to move forward.

Motion to move on with no determination. (Greenwood/Kruse)

VOTE: ALL IN FAVOR. MOTION CARRIES.

D. Discussion on Council Direction, Goals and Objectives

Vice-Chair Kawika McKeague reminded the members about the site visit to the Department's office where iwi are being stored which some members participated in earlier this year. McKeague stated that he made a personal commitment to himself that during his 5-year term, he would try to facilitate as much as possible the reinterment of the iwi. He said that it was brought to the council's attention recently that there may be an issue if one of the landowner representatives on the council was to provide some of their lands as a gift. It's important to address this issue and seek legal counsel to possibly establish a task force or committee that could get together to actively pursue this.

Kanemoto asked if there was a committee or task force already established for something similar. McKeague stated that there was a task force established to maintain the quorum restrictions on the site visit to the department's curation facility. Subsequently to the site visit, the council has had several discussions about developing a working relationship with the department to create a database and possible working relationships within the community to get the iwi reburied. McKeague believes there needs to be an active group to pursue and address these issues. Kanemoto said that unless the council sets this group up under the Sunshine Law, the council wouldn't be able to do it. Kanemoto stated that it would be best to have a standing sub-committee that goes out and investigates on behalf of the council, then reports back to the council, and then at the third meeting, the council can vote on any action that the sub-committee recommends.

Kini asked what the purpose of the committee would be. McKeague stated that the purpose is to define the implementing actions that need to be taken to facilitate the return of the department's collection of iwi. Abad said that if the council follows the model that Kanemoto is suggesting, then it may accomplish what is being proposed here. Abad said that in the first meeting, the committee would be set up with a specific task. Then, at the second meeting, there would be a report of the findings and possible recommendations from the committee as to what steps need to be taken next. Also, in the second meeting, the council could assign a committee (possibly the same committee) to take on the second step as perhaps recommended by the first committee. Abad stated that it could be a standing committee but directed by council action based on specific motions that are made. Kanemoto said that the council wouldn't be able to vote on anything until the meeting after the committee reports back to the council on their findings (at the second meeting) because you would need at least three meetings.

Kini said that it would be best if the committee meets several times on their own before they make a formal recommendation to the council. Kanemoto said that it would be fine for the committee to meet before reporting their findings to the entire council.

Kruse said that the council had previously asked the department for an inventory of all the iwi in the department's curation facility but doesn't remember receiving that inventory. Kruse stated that one of the council's concerns was trying to understand the number of iwi that need to go back. McKeague suggested that the requested action is to form a committee to sit down and talk about what the plan and possibly help to come up with a plan. Kini asked for someone to define the purpose of the committee. Paik stated that the purpose would be to develop a plan and to facilitate the reburial of the state's collection of iwi.

Motion to form a committee to develop a plan and to facilitate the kanu of the State's collection of iwi. (Paik/Abad)

Kini stated that he has offered a gift of certain resources to the department and would like to be on the committee. Paik said it shouldn't be a problem because the committee doesn't make the decisions. Therefore, it shouldn't be a conflict of interest. Kanemoto added that if you're on the committee and there's a conflict issue, then there could be a potential problem. Kini said that the gift he is offering to the department is four burial plots at Hawaii Memorial Park in Kaneohe. Kini shared that he wasn't sure if this was an appropriate option for the council to consider but would like to offer it. Kanemoto said that he doesn't see this gift as a conflict. Kini further added that he has already checked with the Ethics Commission and they didn't see a conflict.

Abad said that she might be in conflict if she was working on securing some Kamehameha Schools land as a set of options that might be considered before this council. She shared how this is puzzling because the whole point of giving is to better a situation rather than something that is undermining or making it a personal benefit to one's self. Kanemoto suggested that Abad seek counsel from the Ethics Commission to clarify the situation. Chinen said that her understanding is that land can be gifted to the State of Hawaii and in some cases the landowner's help with the maintenance of the property. Abad said she will check with the Ethics Commission regarding this matter. Kanemoto added that the council should only be concerned when council members receive gifts that would disqualify you from sitting on certain agenda items.

VOTE: ALL IN FAVOR. Motion carries.

Kanemoto advised the counsel to identify the members of the task force for which they have been assigned to help develop a plan and facilitate the repatriation of the State's collection of iwi.

Kawika McKeague, Andrew Keliikoa, Linda Kaleo Paik, and Kalei Kini volunteered to be assigned to this task force.

(Andrew Keliikoa left the meeting at 12:50 pm.)

McQuivey said that the council should keep this issue on the agenda and asked the council if it would like to have people come before the council who otherwise wouldn't. For example, the council has expressed an interest to stay involved with Kuilima. Kuilima has made a request to come before the council next month but if they hadn't, McQuivey believes that the council would want them to come and give an update. Abad added that she believes that Mokapu would be a good issue to get an update on. Abad stated that the OIBC is an official claimant to the Mokapu Collection and wonders what the council can do to help facilitate that. Greenwood said that she has asked what the council could do to help but the families had indicated that they would like to work it out.

Paik stated that she was called by some of the descendants of Mokapu after the last meeting and met with them (not as an OIBC member) to discuss recent activities at Mokapu. Paik shared with the council that there was ground disturbing work done in an area where the military had previously stated at a site visit that no ground disturbing work would occur. She said that the problem the descendants are having is not being given information in a timely manner; it's

always after the fact. As a result of the excavation work done in that area, a human skull was found. She stated that she has submitted a request from two of the claimants to the department to get documentation because they are holding a family meeting very soon. She believes that Mokapu incident is something that the council really needs to watch, as well as Schofield or any other military bases. She wonders what the council can do to ask the state to have more bite into what can happen.

Greenwood said that the Mokapu incident is different from what is going on at Schofield; there are cultural monitors at Schofield. She stated that OHA is doing a lawsuit against the Army because of some disturbance near a heiau; there is also a lawsuit against the Stryker Brigade. She said that if she was aware of what was going on, she would've been able to help get support from other agencies.

McQuivey said that this agenda item will be used as a way to discuss these important issues and invite people to update the council on those issues. McQuivey asked the council if there was anyone they would like to invite to come to the next meeting. Paik suggested that the council invite Laurie Lucking (Army-Schofield) to come to the next meeting. Greenwood stated that she had tried to invite Laurie Lucking to the next OIBC meeting but thinks that because there is a pending lawsuit, she has been unavailable. Greenwood suggested that the council conduct a site visit at Lihue to see what is going on. Paik added that she had the opportunity to have a site visit out there and explained that they want to build a berm that extends to Kahuku. Paik explained that they won't allow a site visit during the week while they're working because it would stop work. Paik also stated that the cultural monitors aren't obligated to report to the OIBC. Paik indicated that the cultural monitors have limited areas to work in. Greenwood explained how the cultural monitors are confined to certain areas due to the safety concerns which arise in areas because of the live ordinances. Greenwood added that there is a programmatic agreement (PA) and it states that the cultural monitor will report to the Army.

Chinen explained the department's position on this issue. She indicated that DLNR Chair Peter Young sent out a notice to the Army stating that the department is putting them on notice that the department is aware that there have been violations to the programmatic agreement. Furthermore, the department had previously asked the Army to cease and desist until all parties could come to the table to discuss the issues. The department is giving them until the end of the month to work out a date where the parties could come together. If there is no movement in that area, the department may begin procedures to terminate the PA at the national level. Chinen heard that there was a ruling in the 9th Circuit Court to cease and desist. She added that some of the cultural monitors have said that it has not occurred to this date and she will be meeting with some of the descendants tomorrow to hear their concerns.

Abad posed a couple questions to the council: What would be the best way for the council to kako'o the efforts that are being taken by the department or OHA? Who would be the right party to have at the next meeting in order to forward that assistance that the council might be able to offer? It was suggested that Alan Goo or the cultural monitors be invited to the next meeting. Abad said that it was very clear that the Army barely began to survey the areas where they were going to be bombing. She added that the council has a cultural kuleana to pay attention to this issue.

Greenwood suggested that the council invite Alan Goo (military) to the next meeting. Abad suggested that the cultural monitors be invited to the

Motion that council member Greenwood be authorized to invite Alan Goo, Leimaile Quitevis, Kamoa Quitevis, and anyone else she deems appropriate to come and give the council a report at the November OIBC meeting regarding the Stryker Brigade project (McQuivey/Abad)

VOTE: ALL IN FAVOR. Motion carries.

E. Status Update on the department's reinterment plans for 'iwi kupuna found in the Camp Erdman area

Chinen stated that when the Dillingham burials were discovered, the department considered having a reinterment site at Dillingham Air Field. However, Chinen realized that there are many iwi in the department's curation facility that came from the Camp Erdman area and decided to look for a site there. Chinen indicated that the department learned from former staff that there actually is a reburial site but unfortunately it has not been maintained properly over the years. The area is very overgrown and trying to reopen it would be hazardous to what is already there. She indicated that Piilani Chang had done some initial work to identify another area because Camp Erdman was very open to allowing the department to use their land. The department learned that the site (that was selected) was actually on State land after it had been surveyed.

DLNR Deputy Director Bob Masuda stated that the Camp Erdman area extends toward the Kaena NARS. He said that most of the land is under the Division of Forestry and Wildlife and there is a space in between that is under State Parks. He explained how they are trying to have a single road going in and out that's controlled with a gate. When he heard that SHPD needed a place for interment that would be treated with respect, Masuda believed that Camp Erdman would be an ideal place because they would be around for at least another 100 years and it would be complimentary to a sacred spot. He stated that he met with the board of Camp Erdman and they are willing to accept responsibility to assure that the site would be maintained properly. The idea is to have the site between the sea cliffs and the camp. This is a conceptual plan that would be best discussed further with this council, the department, and Camp Erdman.

Kruse shared that she is familiar with Camp Erdman because she spent a lot of time there when she was younger. She asked where the location of the reinterment site would be and whether it was on the mauka or makai side. Masuda said that the site that Chinen referred to earlier is on the makai side of the road. However, Masuda indicated that they are thinking about moving the current road that runs in between the Camp Erdman area and move it mauka of the cabin area. He said that the reinterment site would be on the slope, mauka of the Camp Erdman cabin area.

Paik asked if it was the department's intention to put all burials found in the Camp Erdman area in this reinterment site or if it will be increased to a larger area. Chinen stated that the department has responsibility for all inadvertent burials and what are in curation are inadvertent burials. Chinen further added that right now the Camp Erdman burials will definitely go into this area but the department would be meeting with descendants of the area to get their thoughts. Chinen said that Thomas Shirai had indicated to her that he would be opposed to it being all of the Mokuleia area and would favor the area between Camp Erdman and Kaena Point. Chinen stated that realistically the department has to look at what other options are available to the

department because she thinks it is hewa on all of us to have iwi that have been waiting for thirteen years, hoping that something better would come along.

Paik clarified her question, which was to understand if the department's intention was to use this reinterment site for any future burials or for burials that are already in the department's curation facility. Chinen stated that the reinterment site is for burials in the department's curation facility and would be made large enough for any future burials that are determined to be relocated; however, determinations for inadvertent burials are done on a case by case basis. For example, Piilani Chang was going to have a meeting with the Waikiki descendants this past week but Chinen asked her to hold off until she was able to consolidate all the information on the Waikiki burials. For instance, Chinen wanted to be able to give the Waikiki descendants a list of TMK's of places where the burials came from to see which ones the families would like to incorporate with that reburial.

Masuda explained how he believes that this reinterment site would be in an area that would be respectful and maintained properly. He shared his thoughts on how the kids that come to the area would have a chance to learn more cultural things. McQuivey thanked Masuda and Chinen for their efforts and for the presentation.

(Kehau Abad left the meeting at 1:35 pm.)

F. Status Update on Section 106/NAGPRA Correspondence

Greenwood stated that she would recommend to Mokapu to have cultural monitors. She said that she spoke to John Nau and Valerie Hauser regarding the financing for the reburial of the Mokapu Collection and was able to confirm that the financing was still there. Greenwood said she received correspondence regarding the Vancouver base which was signed over to Vancouver City. She explained how Section 106 does not necessarily prohibit the historic resources, instead it obligates federal agencies to consider all reasonable alternatives for reducing or eliminating adverse effects. When she read the report, she noticed that there is a signage that goes before an Indian tribe prior to anything happening. She said that she was going to write a letter to indicate the OIBC's position that they respect the cultural protocols being used in this situation and would recommend that the Vancouver base communicate with this tribe.

Motion to accept Greenwood's report. (McQuivey/Kini)

VOTE: ALL IN FAVOR. Motion carries.

VII. SHPD INADVERTENT DISCOVERY REPORT

Chinen referred the members to the monthly summary report of inadvertent discoveries of human skeletal remains, which was previously provided to the members in their packets. She read into the record the contents of the October 5, 2006 memo to the council.

McQuivey thanked the department for the report and appreciates being included when the discoveries are reported to the department.

Motion to accept the department's report. (McQuivey/Kruse)

VOTE: ALL IN FAVOR. Motion carries.

McQuivey asked the council and Kanemoto to revisit the question about the accuracy of Kanemoto's comments in the September 13, 2006 OIBC meeting. Kanemoto stated that whatever he said on tape is what should be included in the minutes. McQuivey asked if there was need for Kanemoto to make any changes to the minutes. Kanemoto acknowledged he did not have an opportunity to listen to the tape. Chinen commented she tried to have the tape available after noting her concern with the minutes this morning, but staff had already left the Kapolei office for the meeting. She said her concern is that the minutes quote the AG partially without using the full context in which his statement was made.

Kanemoto said that the minutes should reflect the following: "Based on the information provided to Kanemoto at the time, the phrase 'ahupua'a or district' can be interpreted to mean ahupua'a or moku." The council agreed to take out the sentence on page 5 which begins with "Therefore, Kanemoto believes..." and replace it with the statement Kanemoto just clarified.

Motion to approve the minutes as changed. (McKeague/Kruse)

VOTE: ALL IN FAVOR. Motion carries.

McQuivey asked for a council member to make a motion to go into executive session to review the September executive session minutes. Kanemoto advised the council to go into executive session to discuss with your attorney your rights, privileges, duties, immunities, and liabilities and within that context you can discuss what you need to discuss.

Motion to go into executive session to discuss with the council's attorney the council's rights, privileges, duties, immunities, and liabilities. (McQuivey/McKeague)

VOTE: ALL IN FAVOR. Motion carries.

Motion to retire from executive session. (McKeague/McQuivey)

VOTE: ALL IN FAVOR. Motion carries.

VIII. ADJOURNMENT

Motion to adjourn meeting. (Greenwood/McKeague)

VOTE: ALL IN FAVOR. Motion carries.

The meeting adjourned at 1:55 pm.

Respectfully Submitted,

Susan P. Yanos, SHPD Secretary